

Article 2: Administrative Code

**Division 30: Contract Definitions, Competitive Bidding Procedures,
and Contract Alterations**

*(“ Contract Definitions, Competitive Bidding Procedures,
and Contract Alterations”
added 6–29–1998 by O–18532 N.S.)*

§22.3001 Purpose and Scope of Division

The purpose of this Division is to provide uniform definitions for Divisions 30, 31, 32, 33, 34, 35, and 36 of Article 2, Chapter 2 of the Municipal Code; to provide a comprehensive, clear procedure for competitively bidding *contracts* and *public works contracts*; and, to provide clarity and consistency in the City’s alteration of contracts. *(Retitled from “Purpose and Intent; Scope of Division” and amended 9-3-2002 by O–19095 N.S.)*

§22.3002 Relationship to State Law

- (a) Pursuant to Section 1100.7 of California’s Public Contract Code, the City Council declares that the City’s Public Contracts Code, or any portion thereof, is expressly exempt from the California Public Contracts Code.
- (b) In the interest of ensuring an expeditious and fair procedure for administering the award of its public contracts, the City in its discretion may follow portions of the California Public Contract Code, but absent a judicial finding that a particular aspect of local public contracting is a matter of statewide concern, the City is not required to do so.

(Amended 9-3-2002 by O-19095 N.S.)

§22.3003 Definitions

Terms defined in Chapter 2, Article 2, Divisions 30, 31, 32, 33, 34, 35 and 36 are indicated by italics. For purposes of Chapter 2, Article 2, Division 30, 31, 32, 33, 34, 35, and 36:

Agency includes the State of California, counties, districts, public authorities, joint power agencies, public non–profit corporations, and any other public or quasi–public entity that the Council may designate by resolution.

Announcement means the declaration of the intent to award a *contract* or a *public works contract*, by any means of transmission; including U.S. mailing, automated phone message or Internet posting. The effective date of an *announcement* by mail is the date that the *announcement* is deposited in the U.S. mail.

Award means the acceptance of a bid or proposal by the City's authorized representative.

Award date or *date of award* means the date that the City Manager or his designee signs the documents constituting a *public works contract*, or contract for consultant services manifesting the City's approval of all conditions precedent to *award*.

Bidder means a *person* who submitted a bid, proposal or other document seeking award of a *contract* or a *public works contract*.

Brand Name refers to a specific product in specifications for Goods, Services, or Public Works.

City's Public Contracts Code includes the City's Charter, Municipal Code, Council policies, administrative regulations, past practices, current practices, or any portion of those laws, policies, regulations, or practices, pertaining to contracts or agreements between the City and other party.

Consultant includes providers of expert or professional services and excludes providers of Services.

Contract includes a Contract for Goods, a Contract for Services, or a Cooperative Procurement Contract unless otherwise stated.

Contract for Goods means an agreement between the City and another party in which the City is the purchaser of articles, commodities, materials, supplies, equipment, or insurance.

Contract for Inmate Services means an agreement between the City and an Agency for the use of inmates confined in state prisons, or probationers, or parolees to perform Services.

Contract for Services means an agreement between the City and another party in which the City is the purchaser of Services, excluding Consultant services. It includes Maintenance Contracts.